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### Protecting Wetlands

Cooperative Extension South Dakota State University

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# *protecting wetlands*



*U.S. Fish and Wildlife Service  
South Dakota Cooperative Wildlife Research Unit  
South Dakota Cooperative Extension Service*



# protecting wetlands

W. Alan Wentz  
National Wildlife Federation  
Washington, D.C.

Prairie wetlands are recognized far and wide as the duck factory of North America.

An efficient "factory" has its workers (the ducks) and its management (the landowners, duck hunters, and conservationists). The work of this management team has evolved into numerous private and public programs to maintain valuable wetlands.

## The Fish and Wildlife Service Small Wetlands Program

One of the best known and most successful wetland protection programs is the Small Wetlands Program administered by the U.S. Fish and Wildlife Service (USFWS).

This program uses two approaches: fee title acquisition and easement acquisition, primarily in North Dakota, South Dakota, Minnesota, Iowa, Nebraska, and Montana. Acquisition is funded through the annual sales of migratory bird hunting and conservation stamps (duck stamps), which are required of all U.S. waterfowl hunters over 16 years of age.

Approximately 1.6 million acres of habitat have been protected under this program. About 500,000 acres have been purchased and over 19,000 easements have been secured on about 1.1 million acres of wetlands.

## Acquisition

Acres acquired in fee title by USFWS are known as Waterfowl Production Areas (WPA). WPAs

include wetlands and adjoining upland tracts that provide secure habitat for waterfowl.

The wetlands that are acquired are usually permanent or deep water wetlands. Adjoining uplands are normally managed to provide high quality nesting cover. WPAs are fenced, but are generally open to the public for hunting and other compatible recreational use. WPAs have always been purchased only from willing sellers.

## Easement

Most wetlands protected under the Small Wetlands Program are under easement. Wetlands protected by easement remain the property of the original landowner. The landowner agrees not to drain, burn, or fill the wetlands on which easements are taken. If the wetland periodically dries out, the landowner may cut hay, plant crops, or undertake other normal agricultural operations within the wetland basin. The landowner also has complete control of access for hunting, trapping, or other activity.

Most of the easements which are purchased by the USFWS are perpetual easements that become permanent restrictions on the property. They are similar to powerline or highway easements in this respect.

USFWS easement wetlands are often more shallow and less permanent type wetlands than are the WPA wetlands. It is common for USFWS to acquire easement wetlands near WPAs to form a "wetland complex" designed to increase waterfowl production. Easements also are

purchased only from willing sellers.

The USFWS has established more than 20 wetlands management district offices in the prairie pothole states. The biologists in these offices can provide you with more details on the Small Wetlands Program.

## The Water Bank Program

The Agricultural Stabilization and Conservation Service (ASCS) manages the federal Water Bank Program for landowners and farm operators who are willing to enter into a 10-year land-use agreement for the protection of migratory waterfowl nesting and breeding areas. During this period the landowner agrees not to drain, burn, or fill the enrolled wetlands or to disturb cover on adjoining protected uplands.

The Water Bank Program began in 1972, and by 1979 more than 585,000 acres of wetlands and adjoining uplands had been enrolled in the program. Participation in the program is heaviest in the prairie pothole region, with North Dakota, South Dakota, and Minnesota having the most contracts. The program has not been funded for new contracts for several years and its future is uncertain.

The local ASCS office can give you current information on the Water Bank Program.

## Land tax incentives

Individual states have a variety of land tax incentives that encourage retention and preservation of wetlands. These incentives may take the form of



reductions, elimination, or credits in property taxes.

In addition, there may be reductions in state or federal income taxes that may be obtained by donating a wetland or partial property interest to a government agency or private, non-profit group.

## Minnesota

In 1979 Minnesota enacted the Wetland Tax Credit Law. The law eliminated all existing taxes on wetlands that had potential for agricultural development and provided for voluntary participation in wetland protection agreements. Minnesota wetland owners may enter into an agreement with their county assessor not to drain or fill wetlands. The agreement is in effect for one year and is renewable.

In exchange for protecting his wetlands, the owner receives complete exemption of wetlands from taxation and, in addition, a state-paid credit on wetland acres enrolled.

## Iowa

In 1982 Iowa passed a law that allows county boards of supervisors to exempt from taxes up to 1% or 3,000 acres of natural areas, including wetlands, assessed at agricultural land value in each county. The amount of exempt lands can be increased by 10% or up to 300 acres per year in each subsequent fiscal year.

To be eligible, a landowner must file (by April 15) an application with the commissioners of the soil conservation district where the property is located. Wetland applications must be filed every 3 years.

## Income taxes

Landowners who donate wetlands (full title or easements that protect the land) to government agencies or qualified charitable organizations may



The sign says it all. Stavig WPA in South Dakota has been acquired by the USFWS to provide one more permanent wetland for waterfowl production. WPAs are usually open to hunting.

deduct the value of the gift from their federal income tax or from state income taxes (in most states). Assistance in understanding the limitations on such gifts may be obtained from the government agency or organization that would receive the gift or from your tax consultant.

## Private efforts

If you wish to protect your wetland through strictly private efforts you might consider donating or selling your land to a private charitable organization. National conservation organizations, such as The Nature Conservancy and the National Audubon Society, and local organizations, such as state and local conservation groups, have a variety of land preservation programs. Few of these groups are able to buy land (except in unusual instances), but most are willing to accept donations (which are tax deductible). Sales to other groups, such as private hunting clubs, may accomplish your conservation purpose and provide income.

At the time of sale or donation you may wish to enter

restrictions on your property deed that would forbid any future owner from draining or otherwise destroying the wetland. Other forms of restrictions, covenants, or easements may be placed on your property at any time, whether you give up the property or not. Assistance with such restrictions may be obtained from a local attorney.

## Regulations

Some wetlands are protected by federal, state, or local laws. Modification of wetlands, whether for drainage or enhancement, may require a permit. If you plan any activity in a wetland basin (modification, dugout construction, etc), you should check with your local Soil Conservation Service, Corps of Engineers, or other government office to determine if a permit is required.

## State and local acquisition

There are many types of local and state acquisition programs that preserve land. Wetlands may be acquired under many of these programs.

Wildlife and natural resource



agencies have been most active in wetlands acquisition. Wetlands also may be purchased for parks or other recreation areas.

## Sources of information

Information on ways to protect wetlands may be obtained by contacting your state Game and Fish Department, Soil Conservation Service, ASCS, or Extension Service office. If you live near a USFWS Wetlands Management District office or National Wildlife Refuge, they can supply additional information. As an alternative you can write to state or regional offices of any of these agencies.

## State and federal offices involved in wetlands conservation and ASCS and SCS state offices

### Iowa

State Conservation Commission  
Wallace State Office Bldg., Des Moines, IA 50319

Dept. of Soil Conservation  
State Capitol Complex, Des Moines, IA 50319

Dept. of Environmental Quality  
Henry A. Wallace Bldg., 900 E. Grand,  
Des Moines, IA 50319

SCS Iowa State Office  
693 Federal Bldg., 210 Walnut St.,  
Des Moines, IA 50309

ASCS State Office  
937 Federal Bldg., 210 Walnut St.,  
Des Moines, IA 50309

### Minnesota

Dept. of Natural Resources  
300 Centennial Bldg., 658 Cedar St., St. Paul,  
MN 55155

State Dept. of Resources  
Centennial Office Bldg., 658 Cedar St.,  
St. Paul, MN 55155

USFWS State Office  
Federal Bldg., Fort Snelling, Twin Cities, MN 55111

USFWS, Morris Wetlands Management  
District  
Morris, MN 56267

USFWS, Ortonville Wetlands Management  
District  
Ortonville, MN 56278

USFWS, Fergus Falls Wetlands Management  
District  
Fergus Falls, MN 56537

USFWS, Detroit Lakes Wetlands  
Management District  
Detroit Lakes, MN 56501

USFWS, New Ulm Wetlands Management  
District  
New Ulm, MN 56073

USFWS, Litchfield Wetlands Management  
District  
Litchfield, MN 55355

SCS and ASCS offices (same location)  
200 Federal Bldg., 316 N. Robert, St. Paul,  
MN 55101

### Montana

Dept. of Fish, Wildlife and Parks  
1420 East Sixth, Helena, MT 59601

Dept. of Natural Resources and Conservation  
32 South Ewing, Helena, MT 59601

USFWS State Office  
Federal Bldg. Rm. 3035, 316 N. 26th St.,  
Billings, MT 59601

USFWS, Bowdoin Wetland Management  
District  
P.O. Box J  
Malta, MT 59538

USFWS, Medicine Lake Wetland  
Management District  
Medicine Lake National Wildlife Refuge  
Medicine Lake, MT 59247

USFWS, Northwest Montana Wetland  
Management District  
National Bison Range, Moiese, MT 59824

SCS Montana State Office  
P.O. Box 970, Bozeman, MT 59715

ASCS Montana State Office  
U.S. Post Office and Federal Bldg., Box 670,  
Bozeman, MT 59715

### Nebraska

Game and Parks Commission  
P.O. Box 30370, Lincoln, NE 68503

Dept. of Environmental Control  
State House Sta., Box 94877, Lincoln, NE 68509

USFWS State Office  
P.O. Box 1786, Kearney, NE 68847

Rainwater Basin Wetlands Management  
District  
P.O. Box 1786, Kearney, NE 68847

SCS and ASCS State Offices (same location)  
100 Centennial Mall North, Lincoln, NE 68503

### North Dakota

State Parks and Recreation Dept.  
1424 W. Century Ave., Bismarck, ND 58502

State Game and Fish Dept.  
2121 Lovett Ave., Bismarck, ND 58505

USFWS, Devils Lake Wetlands Management  
District  
Box 908, Devils Lake, ND 58301

USFWS, Minot Wetlands Acquisition Office  
103 Federal Bldg., Minot, ND 58701

USFWS, Valley City Wetlands Management  
District  
RR 1, Valley City, ND 58072

USFWS, Crosby Wetlands Management  
District  
Box 148, Crosby, ND 58730

USFWS, Kulm Wetlands Management  
District  
Box E, Kulm, ND 58456

USFWS, Bismarck Wetlands Acquisition  
Office  
1500 Capitol Ave.  
Bismarck, ND 58501

SCS State Office  
State Capitol Bldg., 17th Floor, Bismarck, ND 58505

ASCS State Office  
1824 N. 11th St., Bismarck, ND 58505

### South Dakota

Dept. of Water and Natural Resources  
Joe Foss Office Bldg., Pierre, SD 57501

Game, Fish and Parks Dept.  
Sigurd Anderson Bldg., 445 E. Capitol, Pierre,  
SD 57501

USFWS State Office  
Federal Bldg., Pierre, SD 57501

USFWS, Wetlands Acquisition Office  
Rm. 109, Federal Bldg., Aberdeen, SD 57401

USFWS, Wetlands Acquisition Office  
Rm. 113, Federal Bldg., Huron, SD 57350

USFWS, Madison Wetlands Management  
District  
P.O. Box 48, Madison, SD 57042

SCS and ASCS State Office (same location)  
200 4th St., S.W., Huron, SD 57350

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